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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/239,671	01/29/1999	WILLIAM DANIEL TOOHEY	99-60484-5	6425

7590 11/27/2001
ROBERT J DEPKE MAYER BROWN & PLATT
P.O. BOX 2828
CHICAGO, IL 60690

EXAMINER

ST CYR, DANIEL

ART UNIT	PAPER NUMBER
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2876

DATE MAILED: 11/27/2001

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/239,671

Applicant(s)

TOOHEY, WILLIAM DANIEL

Examiner

Daniel St.Cyr

Art Unit

2876

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 August 2001.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Receipt is acknowledged of the amendment filed 8/23/01 in which claim 12 has been amended.

Claim Rejections - 35 U.S.C. § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

3. Claims 1-10, 21, and 24-26 are rejected under 35 U.S.C. 102(e) as being anticipated by Katz, US Patent No. 5,920,338.

Katz discloses an asynchronous video event and transaction data multiplexing technique for surveillance system comprising: a video camera 16 or a plurality of cameras 100, 102, 104, for capturing video images of a transaction; an input device 20 for collecting data associated with the transaction; a database management system 14 for organizing the video images and data associated with the transaction (see figures 1-2; col. 4, line 36+).

Re claims 2-4, the data associated with the transaction includes time data, date data, and monetary data (see col. 8, lines 59-68 and col. 10, line 11).

Re claim 5, wherein the video images are captured based upon a signal that is produced in response to the input device collecting data (see figure 7; claim 1).

Re claim 6, wherein the images are captured based upon a clock time signal (see col. 6, lines 18-36).

Art Unit: 2876

Re claim 7, a terminal for allowing an operator to input queries into the database and received the image and data associated with the transaction in response to the queries (see col. 6, line 60 to col. 7, line 39).

Re claims 8-10, the transaction is a toll collection (financial collection) and /or grocery purchasing (retail) (see col. 7, lines 21-26).

Re claims 21, 24-26, the limitations have been met above.

Claim Rejections - 35 U.S.C. § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 11-20, 22-23, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Katz. The teachings of Katz have been discussed above.

Re claims 11, 22, 23, and 27, Katz fails to disclose or fairly suggests that video signals are captured based upon a bar code reader reading a bar code label wherein the bar code reader includes an emitter for generating a beam of light and a detector for detecting the beam of light wherein the camera is activated when an item breaks the beam of light. However, Official notice is taken that bar code readers having emitters for generating beams of lights and detectors for detecting the beams of lights are notoriously old and well known in the art for processing retail items at POS terminals. Therefore, it would have been obvious to employ a bar code reader at the POS terminal of Katz wherein the items would be labeled with bar codes for providing rapid and

Art Unit: 2876

reliable data entries during video processing wherein the camera would activate when an item breaks the beam of light (when an item is scanned).

Re claims 12-20, Katz fails to disclose or fairly suggest using a portion of the data as a key for retrieving the image correlated data. However, Official notice is taken that this is old and well known in the art that relational databases use a portion of the data as a key (a primary key or an index) for retrieving the stored data. Furthermore, relational databases are known to provide greater storage space. Therefore, it would have been obvious to utilize a relational database for storing the data of Katz wherein a portion of the data would be used as a key for retrieving the data.

Response to Arguments

6. Applicant's arguments filed 8/23/01 have been fully considered but they are not persuasive. (see examiner remarks).

REMARKS:

In response to the applicant's general argument that Katz (5,216,502) does not disclose having both transactional data and video data in a database. The examiner respectfully disagrees. Katz discloses having both transactional data from the lane controller 26, frames of video, and including additional data to be recorded at the database 50 within the database system 40 (see col. 9, lines 19-53). Furthermore, the applicant claims that "a database management system for organizing the video images and data associated with the transaction into a database". The applicant **does not** claim in claims 1 and 12 having **both** transactional data and the video data in the **same** database. The applicant argument is not persuasive.

Re claims 11-20, 22, 23, and 27, the examiner took Official notice to reject these claims under 35 U.S.C. 103(a). The applicant failed to challenge the rejection. Therefore, the claims remain rejected as previously stated in the prior office action. Generally, the applicant's argument is not persuasive. Refer the rejection above.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel St.Cyr whose telephone number is 703-305-2656. The examiner can normally be reached on Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G Lee can be reached on 703-305-3503. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-7721 for regular communications and 703-308-7724 for After Final communications.

Application/Control Number: 09/239,671

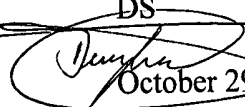
Page 5

Art Unit: 2876

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

Daniel St.Cyr
Examiner
Art Unit 2876

DS


October 29, 2001


MICHAEL G. LEE
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